

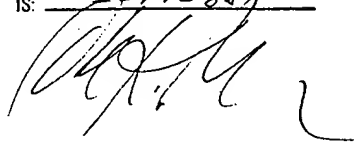
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO THE COMMISSIONER

In re: FWC of Serial No. 06/541,489  
Filed: Concurrently herewith  
Applicant: Ole K. Nilssen  
Group Art Unit: 266  
Examiner: LEO H. BOUDREAU

PETITIONER: Ole K. Nilssen  
Caesar Drive, RR-5  
Barrington, Illinois 60010  
  
Telephone: 312-658-5615

I, OLE K. NILSSEN, HEREWITH  
CERTIFY THAT THE DATE OF  
DEPOSIT WITH THE U.S. POSTAL  
SERVICE OF THIS PAPER OR FEE  
IS: 2-11-84



Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Under 37 C.F.R. 1.181(a), the above named Petitioner (hereinafter "Applicant") herewith petitions Commissioner to instruct the examiner assigned to the above-identified FWC to prosecute subject FWC in a manner consistent with law and accepted principles of reason and equity.

The parent application Serial No. 541,489, which was filed on 11/13/83, has gone through what to Applicant seems like an inefficient as well as illegal process of examination.

In particular, decisions with respect to the patentability of the claimed invention appear to have been based on a process clearly inconsistent with law.

A copy of Applicant's FILE WRAPPER CONTINUATION (FWC) application is enclosed herewith; and in that application, Applicant explains the problems with which he is concerned.

The most important errors committed during the examination of the parent application were as follows:

(a) With reference to page 2 of the FWC, Examiner did not properly interpret the Patent Law.

(b) With reference to page 3 of the FWC, Examiner rendered legally binding opinions with respect to subject matter in which he appeared not to possess the skill reasonably required in order to be in a position to render such opinions.

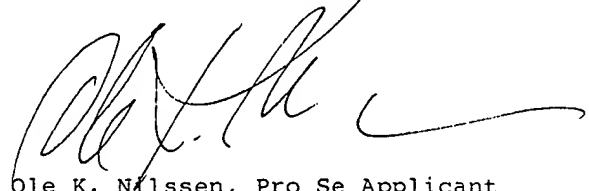
Clearly, in order to permit an efficient and rational prosecution of subject application, it is imperative that the PTO operate on the following basis.

(c) If an examiner were to express an opinion with respect to a fact or circumstance pertinent to the art underlying a claimed invention, and if this opinion relates to what would and/or would not be understood, perceived and/or seen as obvious by a person having ordinary skill in that art, such opinion can not have any legal relevance except if the examiner himself were to possess ordinary skill in that art. Otherwise, the examiner would simply lack the particular culture, literacy, background, pre-disposition, etc. associated with that art; which would therefore prevent him from properly understanding and/or interpreting facts, circumstances, references, etc. associated with that art.

Hence, if the examiner were to lack such skill, and if never-the-less he were to express a opinion of the type above indicated, he should clearly set forth the fact that he does lack such skill.

(d) If Examiner were to interpret the law, such as 35 U.S.C. 103, in any way other than what is to be derived from the plain meaning of the words and phrases used in the law, he must provide a definition of such special interpretation.

So, Applicant herewith petitions Commissioner to instruct the examiner assigned to subject application to effect his prosecution in a manner consistent with above considerations.



Ole K. Nilssen, Pro Se Applicant

Date: 2-10-88